

FROM THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, WESTERN DIVISION

TO THE UNITED STATES COURT OF APPEALS FOR THE
SEVENTH JUDICIAL CIRCUIT APPELLATE COURT

JAMES RUSSELL JOHNSON,) Appeal from the United States District
Petitioner-Appellant,) Court, for the Northern District of
) Illinois, Western Division
)
- Vs.-) Cause No.: 08-C-50002.
)
) Type of pleading: Denial of a Rule 60(b)
) motion to reconsider.
RICHARD A. MEYERS,) Date of Judgment: July 10, 2008.
Respondent-Appellee,)
) Honorable
) Frederick J. Kapala JUL 21 2008
) Judge Presiding

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

NOTICE OF APPEAL

Notice is hereby given that I, James Russell Johnson, petitioner-appellant in the above named case, hereby appeal to the United States Court of Appeals for the Seventh Circuit from an erroneous order of denial and dismissal of a new evidence Rule 60(b) motion to reconsider as had been entered in this action on the 10th day of July, 2008.

Respectfully Submitted;

Date: July 16, 2008

By: James Russell Johnson
Mr. James Russell Johnson, #1716
petitioner-appellant
650 West State Street
Rockford, Illinois. 61102.

SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 08v50002

PLAINTIFF (Petitioner)

v.

DEFENDANT (Respondent)

James Russell Johnson(Appellant)	Richard Meyers
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(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name	James Russell Johnson #1716	Name	Richard Meyers
Firm	PRO SE	Firm	None Of Record
Address	Winnebago - WCJ 650 West State Street Rockford, IL 61101	Address	
Phone		Phone	

Other Information			
District Judge	Frederick J. Kapala	Date Filed in District Court	1/2/2008
Court Reporter	Mary Lindbloom	Date of Judgment	7/10/2008
Nature of Suit Code	530 Prisoner: Habeas Corpus	Date of Notice of Appeal	7/21/2008

COUNSEL: Appointed ☐ Retained ☐ Pro Se ☒

FEE STATUS: Paid ☐ Due ☐ IFP ☐

IFP Pending ☒ U.S. ☐ Waived ☐

Has Docketing Statement been filed with the District Court Clerk's Office? Yes ☐ No ☒

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted ☐ Denied ☐ Pending ☒

If Certificate of Appealability was granted or denied, date of order: _____

If defendant is in federal custody, please provide U.S. Marshall number (USM#): _____

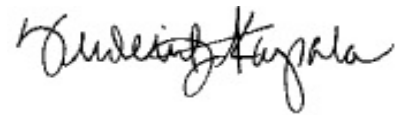
IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(A). Rev 04/01

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	FREDERICK J. KAPALA	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 50002	DATE	July 10, 2008
CASE TITLE	James Russell Johnson (#1716) v. Richard Meyers		

DOCKET ENTRY TEXT:

The Court denies Petitioner's motion for reconsideration [21]. Petitioner has filed a Notice of Appeal and this Court no longer has jurisdiction to hear Petitioner's motions.



Docketing to mail notices.

Courtroom Deputy Initials:	CLH
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APPEAL, HABEAS, MAHONEY, PC, TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.2.1 (Rockford)
CIVIL DOCKET FOR CASE #: 3:08-cv-50002
Internal Use Only

Johnson v. Meyers et al
Assigned to: Honorable Frederick J. Kapala
Referred to: Honorable P. Michael Mahoney
Case in other court: 08-01265
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 01/02/2008
Date Terminated: 01/25/2008
Jury Demand: None
Nature of Suit: 530 Prisoner: Habeas
Corpus
Jurisdiction: Federal Question

Petitioner**James Russell Johnson**

represented by **James Russell Johnson**
#1716
Winnebago - WCJ
650 West State Street
Rockford, IL 61101
PRO SE

V.

Respondent


Richard Meyers
State Of Illinois, Winnebago County
Sheriff


















Service List












represented by **Chief of Criminal Appeals**
Attorney General's Office
100 West Randolph - 12 Floor
Chicago, IL 60601
ATTORNEY TO BE NOTICED

Prisoner Correspondence - Internal Use Only

Email: Prison1_ILND@ilnd.uscourts.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/02/2008	 1	RECEIVED Emergency Petition For Habeas Corpus Relief and 0 copies by James Russell Johnson (Attachments: # 1 Supporting Memorandum# 2 Notice of Filing)(pg.) Additional attachment(s) added on 1/3/2008 (pg.). (Entered: 01/02/2008)

		01/03/2008)
01/02/2008	 2	CIVIL Cover Sheet (pg,) (Entered: 01/03/2008)
01/02/2008		THIS matter is referred to the Honorable P. Michael Mahoney pursuant to Internal Operating Procedure 11(d) (pg,) (Entered: 01/03/2008)
01/03/2008		MAILED copy of Petition For Writ Of Habeas Corpus with attachments to Chief Of Criminal Appeals via certified mail #7002 0510 0000 6469 1793 (pg,) (Entered: 01/03/2008)
01/03/2008	 3	(Court only) RECEIPT regarding payment of filing fee paid on 1/3/2008 in the amount of \$5.00, receipt number 3538 (pg,) (Entered: 01/03/2008)
01/03/2008	 4	PETITION for writ of habeas corpus filed by James Russell Johnson against Richard Meyers Filing fee \$ 5. (Attachments: # 1 Memorandum# 2 Notice of Filing# 3 Envelope)(pg,) (Entered: 01/03/2008)
01/14/2008	 5	RETURN of US post office #7002 0510 0000 6469 1793 (jat,) (Entered: 01/14/2008)
01/15/2008	 6	MOTION by Petitioner James Russell Johnson for Evidentiary hearing (pg,) (Entered: 01/15/2008)
01/23/2008	 7	MOTION by Petitioner James Russell Johnson for Habeas Corpus Bail (Attachments: # 1 Envelope)(pg,) (Entered: 01/23/2008)
01/25/2008	 8	MINUTE entry before Judge Frederick J. Kapala : Civil case terminated.: The court summarily dismisses the petition for a writ of habeas corpus pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Petitioner's motions for evidentiary hearing 6 and for habeas corpus bail 7 are denied. [For further details see text below.] docketing mailed notice (jat,) (Entered: 01/25/2008)
01/25/2008	 9	ENTERED JUDGMENT Signed by Court Clerk for Judge Frederick J. Kapala on 1/25/2008:(jat,) (Entered: 01/25/2008)
01/31/2008	 10	NOTICE of appeal by James Russell Johnson regarding Order 8 , Judgment 9 (jat,) (Entered: 01/31/2008)
01/31/2008	 11	MOTION/Affidavit in Support of Motion Instructions by Petitioner James Russell Johnson for leave to appeal in forma pauperis (jat,) (Entered: 01/31/2008)
01/31/2008	 12	TRANSMITTED to the 7th Circuit the short record on notice of appeal 10 . Mailed notices. (jat,) (Entered: 01/31/2008)
02/05/2008	 13	ACKNOWLEDGEMENT of receipt of short record on appeal regarding notice of appeal 10 ; USCA Case No. 08-1265 (jat,) (Entered: 02/05/2008)
02/08/2008	 14	MOTION by Petitioner James Russell Johnson to transfer/change of venue (jat,) (Entered: 02/08/2008)
02/08/2008	 15	MEMORANDUM of law, brief and argument of supplemental issue(s) by James Russell Johnson (jat,) (Entered: 02/08/2008)
02/12/2008	 16	MINUTE entry before Judge Frederick J. Kapala : The Court declines to issue a certificate of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right for the reasons explained in the order of

		1/25/08. See 28 U.S.C. § 2253(c) and F.R.A.P. 22(b). The Court construes Petitioner's motion/affidavit in support of motion instructions 11 as a motion for leave to appeal in forma pauperis. Finding Petitioner to be currently indigent, the Court grants the motion. The Court denies Petitioner's motion to transfer/change of venue 14 . Because Petitioner has filed a Notice of Appeal, the Court no longer has jurisdiction to hear further motions in this action. Docketing mailed notice (jat,) (Entered: 02/12/2008)
02/12/2008	 17	PETITION/ Request to prepare the record on appeal for (Appeal Number 08-1265) by James Russell Johnson (jat,) (Entered: 02/12/2008)
02/20/2008	 18	LETTER from James Russell Johnson dated 2/18/2008. (pg,) (Entered: 02/20/2008)
03/07/2008	 19	MINUTE entry before Judge Frederick J. Kapala : Petitioner's petition/request to prepare the record on appeal 17 is denied as unnecessary because the short record on appeal was transmitted to the 7th Circuit on 1/31/08. Petitioner's request for two certified copies of the record 18 is granted in part and denied in part. The Clerk is directed to send Petitioner one certified copy of the following numbered documents [1, 6, 7, 8, 9, 10, 11, 14, 15, 16] and a copy of the docket in this case.Docketing mailed [including certified copies as stated above] notice (jat,) (Entered: 03/07/2008)
03/26/2008	 20	NOTICE To Transmit The Record to Seventh Circuit Court of Appeals (pg,) (Entered: 03/26/2008)
03/27/2008	 20	TRANSMITTED to the USCA for the 7th Circuit the long record on appeal 10 (USCA no. 08-1265) consisting of 1 volume of pleadings (jmm-r,) (Entered: 03/27/2008)
06/17/2008	 21	MOTION by Petitioner James Russell Johnson for reconsideration (pg,) (Entered: 06/17/2008)
07/10/2008	 22	MINUTE entry before the Honorable Frederick J. Kapala:The Court denies Petitioner's motion for reconsideration 21 . Petitioner has filed a Notice of Appeal and this Court no longer has jurisdiction to hear Petitioner's motions. Docketing mailed notice (pg,) (Entered: 07/10/2008)
07/21/2008	 23	LETTER from J. R. Johnson to Magistrate Mahoney. (jat,) (Entered: 07/21/2008)
07/21/2008	 24	MOTION by Petitioner James Russell Johnson for certificate of appealability (pg,) (Entered: 07/22/2008)
07/21/2008	 25	NOTICE of appeal by James Russell Johnson regarding orders 22 (pg,) (Entered: 07/22/2008)
07/21/2008	 26	MOTION by Petitioner James Russell Johnson for leave to appeal in forma pauperis (pg,) (Entered: 07/22/2008)